IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 13391 of 2005

Between:

Boddu Lakshmi W/o Satyanarayana
R/o Door NO. 20-1-69/70, Peddapuram,

East Godavari District

..... PETITIONER

AND

1 The Commissioenr Peddapuram Municipality

Peddapuram, E.G. District
2 Revenue Divisional Officer, (Special Officer)

Peddapuram, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proposing to demolish the petitioner's constructions vide Door No. 20-1-69/70 Darga Centre Vedurubedem, Peddapuram, East Godavari District without prior notice to the petitioner as being illegal, arbitrary and unconstitutional and consequently direct the respondents to act in accordance with law and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent No.1: MR S.NAGESWARA REDDY

Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in proposing to demolish the premises of the petitioner bearing Door No.20-1-69/70 Darga Centre, Vedurubedem, Peddapuram, East Godavari District, without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the 1st respondent/Municipality.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of the premises bearing Door
No.20-1-69/70 Darga Centre, Vedurubedem, Peddapuram, East Godavari District and she has not encroached any Government site. It is her further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish her premises in the process of road widening.

On the other hand, the learned counsel for the 1st respondent contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of premises of the petitioner.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities

straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of premises of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 22.06.2005

Dsr

Note:

Issue operative portion

by wire at party's costs.

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

Peddapuram Municipality,

Peddapuram, E.G.District

2. The Revenue Divisional Officer

(Special Officer), Peddapuram,

East Godavari District

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies5.

5. 1 CC to MR.DHANAMJAYA

6 1 CC to MR.KUMAR

*Form-NIC-OGS/WP{**TRT**}*